

## UNITED STATES DISTRICT COURT

District of

Delaware

BigBand Networks, Inc. )  
Plaintiffs, ) **SUMMONS IN A CIVIL CASE**  
v. )  
Imagine Communications, Inc., )  
Defendant. ) **CIVIL ACTION NO.: 07 - 351**  
)  
)  
)  
)  
)

TO: Imagine Communications, Inc.  
c/o National Corporate Research, Ltd.  
615 South duPont Highway  
Dover, DE 19901

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address):

Jack B. Blumenfeld  
MORRIS, NICHOLS, ARSHT & TUNNELL LLP  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899

an answer to the complaint which is served upon you with this summons, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

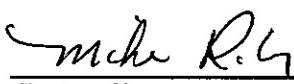
JUN 05 2007

DATE

(By) DEPUTY CLERK

Eustelle Weller

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	June 6, 2007
NAME OF SERVER (PRINT) Mike Riley	TITLE	Courier
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____		
<b>XX Other (specify):</b> By hand delivery of summons and complaint to defendant's registered agent National Corporate Research, Ltd. 615 South duPont Highway Dover, DE 19901		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>6/6/07</u> Date	 <i>Signature of Server</i>	
<u>800 King Street; Wilmington, DE 19801</u> <i>Address of Server</i>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.